Notification dated 25th July 1970.

No. GAD 14 IGS 70. Shri R. N. Gurav, V. M. Kori, C. M. Chandawarker, S. S. Moulvi and B. M. Ganjigatti were holding the posts of Mamaltdars in the former Bombay State immediately prior to the Reorganisation of States, and have been allotted against the above posts to the new Mysore State under the S. R. Act, 1956. Aggrieved by their ranking in the inter-seniority list of Mamaltdars of Bombay as determined by the parent State Government prior to 1st November 1956 S/Shri Chandawarker and Moulvi filed writ petition Nos. 1411 and 1412 of 1961 in the High Court of Mysore. The High Court on 20th March 1962, issued a mandamus to the State Government directing them to determine the seniority of the writ petitioners on the basis of the Resolution dated 21st November 1941 of the former Government of Bombay, and also to give them all benefits and advantages consequent upon such determination of their seniority.

2 The State Government were advised that the 'consequential benefits' referred to in the judgement of the High Court include the benefit of promotion to the higher cadre from the date of promotion of their juniors in the inter-se sediority list as determined in accordance with the directions of the High Court. Since some persons placed below S/Shri Gurav, Kori, Chandawarkar, Moulvi and Ganjigatti in the revised inter-se seniority list prepared in accordance with the directions of the High Court, were promoted as Deputy Collectors in the parent State prior to 1st November 1956, having regard to the advice referred to above, Sri Gurav and 4 others mentioned above were included in the final Inter State Seniority List of Assistant Commissioners/Deputy Collectors as on 1st November 1956 published in Notification No. GAD 5 IGS 64 dated 19th May 1964 though they were not actually holding the posts of Deputy Collectors immediately before the date of Re-organisation, with a foot not that their inclusion is provisional and subject to review after the High Court passes orders in Writ Petition No. 1492/63 of Sri S. S. Upadhye. There is no specific decision of the Government of India regarding inclusion of these names in the Inter State Seniority List of Assistant Commissioners/Deputy Collectors as on 1st November 1956.

3 After hearing the objections of Sri Upadhye and several other aggrieved officers, the High Court in Civil Petition Nos. 150 and 151 of 1964 passed orders as follows :

"The 2 Civil petitions for a review of our earlier orders are hereby allowed. Writ petition Nos. 1411 and 1412 of 1961 will be posted for fresh hearing and disposal."

"Mr. Narasimhamurthy asks us to say that the grant of the review prayed for by Mr. Upadhye entails cancellation of the order made in Writ Petition Nos 1411 and 1412 of 1961 on March 20, 1962. It is obvious that with the grant of review which we have now granted that order has disappeared."

With the above order of the High Court, the basis for inclusion of the names of S/Sri Gurav and 4 others in the Inter State Seniority list of Assistant Commissioners/ Deputy Collectors as on 1st November 1956 ceased to exist

4 Subsequently, in Writ Petition No. 1412 of 1961 of Sri S. S. Moulvi, the High Court passed the following orders :

"As the decision of the Bombay Government by which the petitioner is said to be aggrieved was made on 31st October 1956 just a day prior to the re-organisation of the States, there was no opportunity for the petitioner to make any representation against the same either to the Government of Bombay or to the present Government of Maharastra. As he is at present in the service of the Mysore Government the question of examining his grievances is the responsibility of the Government of Mysore.

But our above conclusion does not affect the legality of the decision taken by the Bombay Government on 31st October 1956. The question whether that decision is in accordance with law or not has to be examined afresh by the Government after hearing the petitioner, respondents 2 to 18, Mr. Upadhye and such others as may be interested in that decision. While doing so the Government has to take into consideration not merely the resolution of the Government dated 21st November 1941 but also such other rules and regulations that may bear on the subject.

They will have also take into consideration the contention of Mr. Upadhye that the resolution of the Government dated 21st November 1941 is not relevant for the purpose of deciding the point in controversy."

In view of the above direction of the High Court, the matter has been examined afresh and orders have been issued by Government refixing the seniority of Mamltdars of Bombay.

5 Since in the above orders of the High Court there is no direction regarding consequential benefits and advantages as in the earlier order of 20th March 1962, the question of including the names of the five officers referred to above in the Inter State Seniority List of Assistant Commissioners/Deputy Collectors as on 1st November 1956 (in view of the inclusions of the names of some of their juniors in that list) will not arise now. Further, the inclusion of their names in the Final Inter State Seniority List published in Notification No. GAD 5 IGS 64 dated 19th May 1964 was made without the approval of the Government of India and is not based on the factual position as on 31st October 1956. It is therefore proposed to delete their names from the Final Inter State Seniority List of Assistant Commissioners/Deputy Collectors as on 1st November 1956 published in Notification No. GAD 5 IGS 64 dated 19th May 1964.

6 Any Government Servant aggrieved by the above proposal may submit his written representation in SIX SETS addressed to the Secretary to Government of India, Ministry of Home Affairs, New Delhi-1 through the Chief Secretary to Government of Mysore, General Administration Department (Intergration), Vidhana Soudha, Bangalore-1 within 30 days of the publication of this notification in the official Gazette. If no objection is received within the stipulated time it will be presumed that there is no objection to the proposal and further action will be taken accordingly.

By Order and in the name of the Governor of Mysore,

R. A. DESHPANDE,

51—25sc. *Dy. Secy. to Govt., GAD (Intigration)*

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